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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,830	01/15/2002	Russell L. Carr	42390P12030	1857

7590

10/06/2004

Lester J. Vincent  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
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Los Angeles, CA 90025-1026

EXAMINER

BADERMAN, SCOTT T

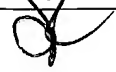
ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b> 10/052,830	<b>Applicant(s)</b> CARR, RUSSELL L. 	
	<b>Examiner</b> Scott T Baderman	<b>Art Unit</b> 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-15 is/are allowed.
- 6) ☒ Claim(s) 1-5, 16, 17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 18 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 20 is objected to because of the following informalities: In line 3, “the persistent storage” lacks antecedent basis. Appropriate correction is required.

### ***Allowable Subject Matter***

2. Claims 8-15 are allowed.
3. The following is an examiner’s statement of reasons for allowance:

With respect to claim 8, the Examiner asserts that the novelty of the claim, when read as a whole, is “a configuration proxy coupled to the test control, wherein the configuration proxy provides an abstract object interface to configuration information sources; a plurality of firmware table drivers coupled to the configuration proxy; and a plurality of firmware tables coupled to the plurality of firmware table drivers.”

With respect to claim 14, the Examiner asserts that the novelty of the claim, when read as a whole, is “discover firmware tables at a pre-boot service environment; present platform device information through a plurality of object interfaces during the pre-boot service environment; and use the platform device information to configure diagnostic test suites.”

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Claims 6, 7, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lichtman et al. (5,809,329).

As in claim 1, Lichtman discloses a method for a digital computer of providing system configuration information to applications, comprising: booting a service environment prior to running an operating system (column 16: line 65 – column 17: line 16); retrieving a list of available devices to test (Figure 4B, column 16: line 26 – column 17: line 16); enumerating the

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system configuration information from a plurality of platform tables (Figures 6 and 9, Abstract, column 8: lines 20-31, column 26: lines 17-30); and storing the system configuration information in memory (Figures 6 and 9, Abstract, column 8: lines 20-31, column 26: lines 17-30).

As in claim 2, Lichtman discloses wherein the service environment provides an interface between the operating system and the platform firmware (Figures 4B and 6, column 16: line 65 – column 17: line 16).

As in claim 4, Lichtman discloses applying a diagnostic test using the stored system configuration information (i.e., the tests will be completed using the configuration of the devices) (Figure 4B, column 16: line 65 – column 17: line 16).

As in claim 5, Lichtman discloses displaying the stored system configuration information i.e., ASCII characters can be displayed) (column 7: lines 35-48).

As in claim 16, Lichtman discloses an apparatus comprising: means for obtaining system configuration information in a pre-boot service environment (Abstract, column 16: line 65 – column 17: line 16); means for storing configuration data (Figures 6 and 9, Abstract, column 8: lines 20-31, column 26: lines 17-30); and means for providing an interface to manage the stored configuration data (Figures 6 and 9, Abstract, column 8: lines 20-31, column 26: lines 17-30).

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As in claim 17, Lichtman discloses a means for retrieving the configuration information in a plain text format (ASCII characters) (column 7: lines 35-48).

As in claim 19, Lichtman discloses a means for retrieving the configuration information in an object table format (i.e., in a device configuration database) (Figure 6, column 6: lines 47-58, column 27: lines 50-61).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chalmers et al. (2003/0182545).

As in claim 20, Chalmers discloses a method of identifying unresponsive installed devices of a system, comprising the steps of: storing pre-configured data in the persistent storage (paragraphs 7 and 24); discovering the system configuration (current system configuration) (paragraph 25); storing the discovered system configuration data in the working storage (transforming into CDB form) (paragraph 25); comparing the data in the persistent storage with

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the data in the working storage (paragraphs 6, 26 and 27).

As in claim 21, Chalmers discloses wherein the step of storing pre-configured data stores the expected system configuration (paragraphs 7 and 24).

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lichtman et al. in view of Intel (Extensible Firmware Interface Specification).

As in claim 3, Lichtman discloses the method above. However, Lichtman does not specifically disclose wherein the service environment is an Extensible Firmware Interface. Intel describes the Extensible Firmware Interface (EFI) (see entire document).

It would have been obvious to a person skilled in the art at the time the invention was made to include the Extensible Firmware Interface into the method taught by Lichtman above. This would have been obvious because Lichtman clearly teaches of a pre-boot configuration (column 17: lines 7-16), and Intel clearly teaches that the EFI is an interface between the



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operating system and the platform firmware (p. 1). A person skilled on the art would have been led to use the EFI since it is also used for pre-boot processes.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'STB', with a long horizontal flourish extending to the right.

Scott T Baderman  
Primary Examiner  
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STB